

→ Gina Keenan HQ → John Feeney Amex

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, District Director

Southeast District Annex
4041 N. Richards Street, Box 12436
Milwaukee, WI 53212-0436
TELEPHONE 414-229-0800
FAX 414-229-0810

December 2, 1996
December 2, 1996

Mr. Peter Van Dyke
0297 North Timber Ridge Road
LaPorte, Indiana 46350

SUBJECT: Request for closure, Van Dyke Boat Rental, Highway 120, Lake Geneva,
Wisconsin. ERR-LUST FID#265097140.

Dear Mr. Van Dyke:

At the request of your environmental consultant, Stiles Environmental, Inc. (SEI), we have reviewed the referenced case file for closure. SEI has requested closure of this site under the closure flexibility regulations, because groundwater monitoring well SP-1 and SP-2 contained benzene and xylene concentrations above the § NR 140, Wisconsin Administrative Code (WAC) enforcement standard (ES). The concentration of benzene in monitoring wells SP-1 and SP-2 were 48 and 42 parts per billion (ppb), respectively, and the xylene concentrations in SP-2 were 920 ppb during the last sampling round in July of 1997.

In our December 23, 1997, letter to you, we asked for clarification and/or additional information for three items before we could close this case. In response to our request for clarification of the location of monitoring well SP-1, SEI has stated that Figure 5 of the Closure Report (February 1997) shows the correct location of SP-1. In response to our request for soil boring and monitoring well logs for all of the wells installed at the site, Mr. Polasa of SEI stated that they will forward these to the department. There was no response to our request for a site map that showed the locations of all the monitoring wells; however, based on information provided by Mr. Polasa, we are not requiring such a map. Please note, that in the future, it is crucial for the site maps provided by SEI to be more comprehensive and exact.

Based on the information provided, we concur with SEI's recommendation of case closure and require no further action at this site based on the following:

1. The source of contamination has been removed.
2. The contaminant concentrations in monitoring wells SP-1 and SP-2 appears to be stable and is defined, based on the groundwater monitoring data provided.
3. Based on the groundwater data presented, the contaminants should naturally attenuate to concentrations below the ch. NR 140 ES within a reasonable period of time, without causing an exceedance of the preventative action level for contaminants detected beyond the property boundary.

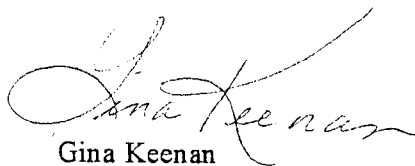
To complete the closure of this site, you must place a groundwater use restriction on the property deed at the county register of deeds office which specifies the legal description of the property, the location, type and concentration of the contaminants and includes the following language:

"Natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property. construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by chs. NR 811 and 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply. Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater to determine what specific requirements are applicable prior to constructing or reconstructing a well on this property."

Within sixty days, all of the groundwater monitoring wells at the site must be abandoned in accordance with ch. NR 141 and the completed abandonment forms must be submitted to the department, along with the soil boring logs for the monitoring wells. Once the department receives the abandonment forms and documentation that the groundwater use restriction has been placed on the deed, this case will be tracked as closed on the department's tracking system.

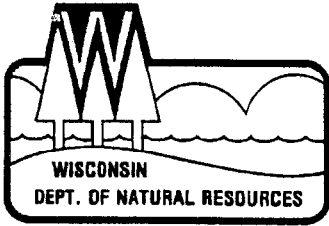
If you have any questions regarding this letter, you may contact me at the above address or at (414) 229-0839.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gina Keenan".

Gina Keenan
Hydrogeologist

c: SEI
SED case file



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Regional Headquarters
2300 N. Dr. ML King, Jr. Drive, Box 12436
Milwaukee, WI 53212-0436
TELEPHONE 414-263-8500
FAX 414-263-8716
TDD 414-263-8713

February 16, 1998

Mr. Peter Van Dyke
0297 North Timber Ridge Road
LaPorte, Indiana 46350

SUBJECT: Correction in December 2, 1997, letter from the Department.

Dear Mr. Van Dyke:

This letter is written in correction of our closure letter to you dated December 2, 1997. As you may have noticed, the date of the letter does not correspond with dates referred to within the body of the letter. The date of the letter should be January 20, 1998. We apologize for any inconvenience this mistake may have caused you. If you have any questions regarding this letter, you may contact me at the above address or at (414) 263-8589.

Sincerely,

Gina Keenan
Hydrogeologist

c: SED case file

380737

AFFIDAVIT

Document Number

Document Title

VOL. 654 PAGE 2175

RECORDED IN VOL. 654
PAGE 2175

'98 MAY 1 AM 10 12

LOUISIANA
REGISTERED DEEDS
WALTON COUNTY, WI

Recording Area

Name and Return Address

Peter H. Van Dyke
2024 Michigan Ave.
LaPorte, In 46350 20-00

Parcel Identification Number (PIN)

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.517. WRDA 2/96

AFFIDAVIT

IN RE: A parcel of land located in the NW 1/4 of Sec. 12, T1N, R17E, Walworth Co., Wisc, described as follows: commencing at the N 1/4 corner of said Sec. 12, thence S01 48'05"E 693.00 ft. to the place of beginning; thence continue S01 48'05"E 148.50 ft.; thence S88 59'05"W 986.78 ft.; thence N67 00'25"W 87.57 ft. to the center line of state trunk hwy 120; thence N20 42'15"E along said centerline, 53.85 ft.; thence N76 25'45"W 61.76 feet more or less to the shore of Geneva Lake; thence northeasterly along said shoreline 93 feet more or less; thence N88 59'05"E 54.41 ft. to the centerline of state trunk hwy 120; thence S08 02'05"W, along said centerline 24.75 feet; thence N88 59'05"E 1024.91 ft. to the place of beginning.

STATE OF WISCONSIN)
COUNTY OF Walworth) SS

WHEREAS, MR. PETER VAN DYKE, MRS. GLORIA E. RINGEL, MRS. BEATRICE A. DALE, MRS. ALLISON M. WILLIS AND MS. LYNN B. VAN DYKE, are the owners of the above-described property; and WHEREAS, it is the desire and intention of the property owners to impose on the property restrictions which will make it unnecessary to conduct further groundwater remediation activities on the property at the present time.

NOW THEREFORE, the owners hereby declare that all of the property described is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions.

"Natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property. Construction wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by chs. NR 811 and 812. Special well construction standards or water treatments, or both, or well construction prohibitions may apply. Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater to determine what specific requirements are applicable prior to constructing a well on this property."

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by decent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceeding at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that that Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions and Covenants, this 30 day of April, 1998.

Signatures: _____

Printed Names: Peter H. Van Dyke

Gloria E. Ringel

Beatrice A. Dale

Signatures: _____, & _____

Printed Names: Allison M. Willis

Lynn B. Van Dyke

Subscribed and sworn to before me
this 30 day of April, 1998

Catherine A. [Signature]
Notary Public, State of Indiana
My commission: March 3, 2000

This instrument was drafted by Peter H. Van Dyke.

AFFIDAVIT

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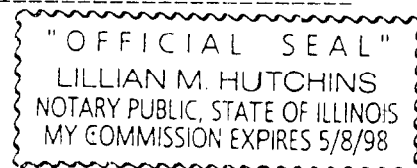
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IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions and Covenants, this 31ST day of MARCH, 1998.

Signatures: X X X X X X X Gloria E. Ringel X X X X X X
Printed Names: Peter H. Van Dyke Gloria E. Ringel Beatrice A. Dale
Signatures: X X X X X X X & X X X X X X X
Printed Names: Allison M. Willis Lynn B. Van Dyke

Subscribed and sworn to before me
this 31ST day of MARCH, 1998

Lillian M. Hutchins
Notary Public, State of
My commission: _____



AFFIDAVIT

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COUNTY OF Walworth) SS

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WHEREAS, it is the desire and intention of the property owners to impose on the property restrictions which will make it unnecessary to conduct further groundwater remediation activities on the property at the present time.

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Signatures: _____

Printed Names: Peter H. Van Dyke

Gloria E. Ringel

Beatrice A. Dale

Signatures: _____, & _____

Printed Names: Allison M. Willis

Lynn B. Van Dyke

Subscribed and sworn to before me
this 10th day of APRIL, 1998

Stuart J. Taggart
Notary Public, State of WISCONSIN
My commission: 11-5-2000

AFFIDAVIT

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IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions and Covenants, this 8th day of April, 1998.

Signatures: _____
Printed Names: Peter H. Van Dyke, Gloria E. Ringel, Beatrice A. Dale
Signatures: Allison M. Willis, & _____
Printed Names: Allison M. Willis, Lynn B. Van Dyke

Subscribed and sworn to before me
this 8th day of April, 1998

Margaret Richter
Notary Public, State of Michigan
My commission: 2-7-2000

AFFIDAVIT

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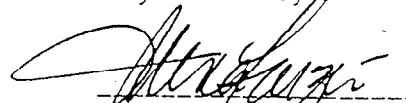
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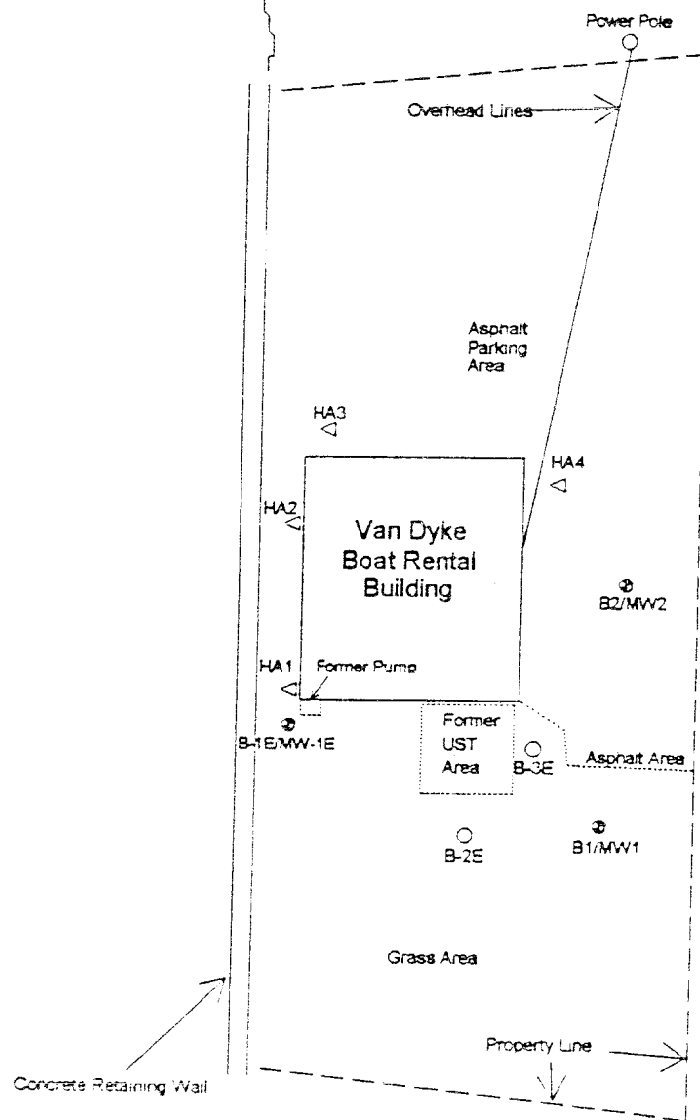
Signatures: _____
Printed Names: Peter H. Van Dyke Gloria E. Ringel Beatrice A. Dale
Signatures: _____, & _____
Printed Names: Allison M. Willis Lynn B. Van Dyke

Subscribed and sworn to before me
this _____ day of _____, 1998


Notary Public, State of _____
My commission: _____ M. FARZIN

NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires October 14, 1998

Lake Geneva



Highway 120

Legend

- Monitoring Well
- Boring
- Hand Auger

Scale 1" = 20'

Figure 2 - Site Plan

Van Dyke Boat Rental
Lake Geneva, Wisconsin

Stiles
Environmental Testing, Inc.

Groundwater Analytical Results

Monitoring Well -1E(MW-1E)

5-28-92 (GRO = 11000ug/l)
(PVOG = 7810ug/l)
(BTEX = 88.00ug/l)
(Lead = 0.005ug/l)

5-20-93 (GRO = 13000ug/l)
(VOC = 9870ug/l)
(BTEX = 8550ug/l)
(Lead = 0.045ug/l)

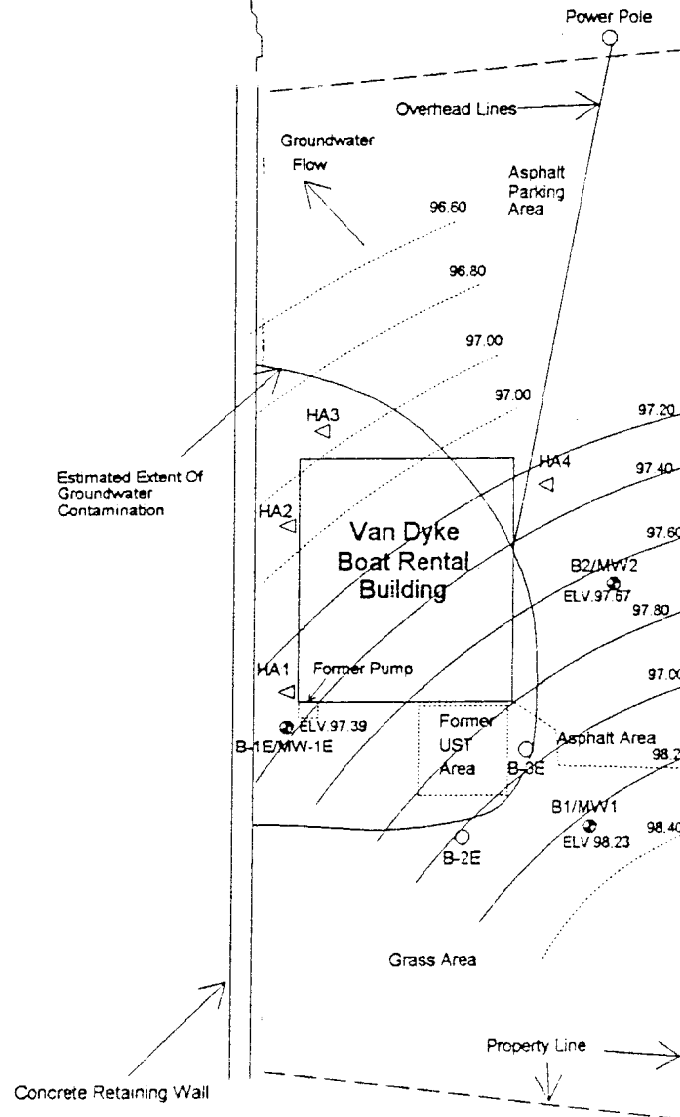
4-7-94 (GRO = 27000ug/l)
(PVOG = 17200ug/l)
(BTEX = 18200ug/l)

Monitoring Well - 1(MW1)

Groundwater Samples Collected On 2-21-94 And 4-7-94 Showed No Detect Of GRO, VOC, And PVOG

Monitoring Well - 2(MW2)

Groundwater Samples Collected On 2-21-94 And 4-7-94 Showed No Detect Of GRO, VOC, And PVOG



Highway 120

Legend

- Monitoring Well
- Boring
- △ Hand Auger
- Groundwater Contours

Figure 3 - Groundwater Contours On 4-21-94

Van Dyke Boat Rental
Lake Geneva, Wisconsin

Scale 1" = 20'

Stiles
Environmental Testing, Inc.

North

Table 4. Groundwater Analytical Results

Sample I.D.	MW-1E			MW1		MW2		ES	PAL
<i>Sample I.D.</i>	<i>MW(B-1)</i>	<i>MW-1</i>	<i>MW-3</i>	<i>MW1</i>	<i>MW-1</i>	<i>MW2</i>	<i>MW-2</i>	----	----
<i>Date</i>	<i>5/26/92</i>	<i>5/20/93</i>	<i>4/7/94</i>	<i>2/21/94</i>	<i>4/7/94</i>	<i>2/21/94</i>	<i>4/7/94</i>	----	----
Benzene	2,600	3,000	4,800	<1.0	<1.0	<1.0	<1.0	0.5	5
Ethylbenzene	<50	550	1,000	<1.0	<1.0	<1.0	<1.0	343	68.6
Toluene	1,600	2,400	5,800	<1.0	<1.0	<1.0	<1.0	700	140
Xylenes	2,600	2,600	4,600	<3.0	<3.0	<3.0	<3.0	620	124
1,2,4-Trimethylbenzene	650	630	1,000	<1.0	<1.0	<1.0	<1.0	----	----
1,3,5-Trimethylbenzene	360	170	<100	<1.0	<1.0	<1.0	<1.0	----	----
MTBE	<120	<100	<100	<2.0	<1.0	<2.0	<1.0	----	----
GRO	11,000	13,000	27,000	<50	<50	<50	<50	----	----
Lead	0.005	0.045	<0.003	NA	<0.003	NA	<0.003	5	0.5

All units are in microgram per liter (ug/L)

*B-1E, B2-E, & B-3E were named B-1, B-2, & B-3, which were installed by Enviros, Inc.

PAL = Preventive Action Limits

ES = Enforcement Standards

Indicates Exceedences of PAL or ES.